

**REMARKS*****I. Objection to the Drawings & Amendment to the Specification***

The Examiner has objected to the drawings under 37 C.F.R. § 1.84(p)(5), concluding that they do not include the reference numeral "27" for the "guide boss" feature as set forth in the amended description. The specification clearly defines the guide bosses with reference to the channel 29 and its housing 30, which are both shown in the illustrations, and rather than revising the drawings, applicant has amended the specification to remove the reference numeral entirely. Applicant has also eliminated any recitation of the guide boss feature from the claims.

Therefore, it is believed that the drawings already filed are in acceptable form because the drawings show the features of the invention recited in the claims. Accordingly, Applicant respectfully submits that the objections to the drawings have been obviated and should now be withdrawn.

***II. Amendment to the Claims***

Upon entry of the foregoing amendment, twenty (20) claims are pending in the application. Of the pending claims, three (3) claims are independent. Claim No. 1 has been broadened by eliminating any recitation of the guide boss feature. Claim Nos. 21-24 are new.

***III. Rejections under 35 U.S.C. § 103***

The Examiner has rejected Claim Nos. 3-17 and 20 under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 6,619,739 to McMillen (the McMillen reference) in view of U.S. Patent No. 6,092,870 to Beaulieu (the Beaulieu reference). Applicant respectfully traverses

this rejection as improper because the McMillen reference fails to qualify as prior art to the present invention. Robert McMillen, the named inventor of the present invention, is the same inventor as in the cited McMillen reference. Therefore, the McMillen reference would be prior art to the present invention if it had been published or patented more than one year prior to the filing of the present invention. However, the McMillen reference was not published until after the present application had been filed. Additionally, according to 35 U.S.C. §103(c), even if the McMillen reference qualified as prior art under 35 U.S.C. §§102(e), (f) or (g), the reference would not preclude patentability under 35 U.S.C. §103 because the McMillen reference and the present invention were commonly owned by L&P Property Management Company.

#### ***IV. Patentably Distinct Claims***

The specification of the present invention identified co-pending U.S. Application No. 09/798,657 as related subject matter, and the patent issuing from this application is U.S. Patent No. 6,619,739, i.e., the McMillen reference cited by the Examiner. Applicant submits that the present application is directed to a patentably distinct invention because U.S. Patent No. 6,619,739 fails to disclose or suggest the combination of the pressure plate with the actuated paddle-type lumbar system as set forth in the claims.

#### ***V. Conclusion***

Applicant respectfully submits that the independent claims are allowable over the prior art of record, including the cited references. For similar reasons, and for the additional reasons set forth above, Applicant urge that the dependent claims are also allowable.

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment is respectfully requested.

Respectfully submitted,



By: Dennis J.M. Donahue, III, Reg. No. 43,591  
Husch & Eppenberger, LLC  
190 Carondelet Plaza  
St. Louis, MO 63105  
314-480-1642  
314-480-1505 FAX